

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, MARCH 23 AND 24, 2009  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING THE RESULT OF THE CLOSED SESSION MEETING**

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of March 23 and 24, 2009, as follows:

**CLOSED SESSION MEETING FOR MONDAY, MARCH 23, 2009, at 4:00 p.m.**

**ROLL CALL:**

Present: Council President Hueso, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Frye, and Emerald

Absent: Mayor Sanders (Absent for the meeting.)  
Councilmember Young - Dist. 4 (Absent for this meeting.)

**CLOSED SESSION MEETINGS FOR TUESDAY, MARCH 24, 2009, at 9:05 a.m. and 11:25 a.m.**

**ROLL CALL (Attendance was the same for both sessions.):**

Present: Mayor Sanders, Council President Hueso, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, Young, DeMaio, Frye, and Emerald

Absent: All Present

**CLOSED SESSION ITEMS FOR MONDAY, MARCH 9, 2009:**

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

CS-1 Agency negotiators: William Kay, Timothy Davis, Scott Chadwick,  
Judy von Kalinowski, Thom Harpole, Kim Nguyen,  
Woo-Jin Shim, Lourdes Silva, Valerie VanDeweghe,  
Javier Mainar, Brian Fennessy, David Ramirez,  
Robert Kanaski, Paul Cooper, Jan Goldsmith.  
Tanya Tomlinson, Joan Dawson, William Gersten,  
Lori Thacker

Employee organizations: Local 145 International Association of Firefighters AFL-CIO, San  
Diego Police Officers Association, Municipal Employees  
Association, AFSCME Local 127 AFL-CIO and Deputy City  
Attorney Association

DCA Assigned: J. Dawson

Report: Nothing to report (NOTE: This item was continued to Tuesday, March 24, 2009,  
at 9:00 a.m.)

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code  
Section 54956.9(a):**

CS-2 *John Ghiotto, et al., v. City of San Diego, et al.*  
San Diego Superior Court Case No. 37-2007-00073878-CU-CR-CTL

DCA Assigned: K. Zlotnik

Motion: To reject the settlement demand and appeal the judgment against the City and  
the San Diego Fire Department on Plaintiffs' failure to prevent sexual  
harassment claim and to appeal any order for the City to pay Plaintiffs' fees and  
costs.

Moved: Councilmember Gloria - Dist. 3

Seconded: Councilmember DeMaio - Dist. 5

Vote: 7/0 [Passed]

Absent: Councilmember Young -Dist. 4

Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on  
Tuesday, March 24, 2009, @4:15 p.m.

Yesterday, in Closed Session, the City Council voted on Item Closed Session No. 2, in the  
matter of *John Ghiotto, et al., v. City of San Diego, et al.*, San Diego Superior Court Case  
No. 37-2007-00073878-CU-CR-CTL, to appeal the judgment against the City and San Diego  
Fire Department on Plaintiffs' failure to prevent sexual harassment claim and to appeal any  
order for the City to pay Plaintiffs' fees and costs.

The motion passed 7 to 0 with Councilmember Young absent.

**CS-3 *Chollas Restoration, Enhancement and Conservancy Community Development Corporation v. City of San Diego***

San Diego Superior Court Case No. 37-2008-00093831-CU-TT-CTL

DCA Assigned: J. Gilman

Report: Nothing to report

**CS-4 *City of San Diego v. Onsite Energy, Hess Corporation, et al.***

San Diego Superior Court Case No. 37-2008-00075111

DCAs Assigned: C. Welch and F. Ortlieb

Report: Nothing to report

**CS-5 *City of San Diego v. Sunroad Enterprises, et al.***

San Diego Superior Court Case No. GIC 877054

DCA Assigned: C. Brock

Report: Nothing to report

**CLOSED SESSION ITEM FOR TUESDAY, MARCH 24, 2009, 9:00 a.m. – 10:00 a.m.:**

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-1 Agency negotiators:**

William Kay, Timothy Davis, Scott Chadwick,  
Judy von Kalinowski, Thom Harpole, Kim Nguyen,  
Woo-Jin Shim, Lourdes Silva, Valerie VanDeweghe,  
Javier Mainar, Brian Fennessy, David Ramirez,  
Robert Kanaski, Paul Cooper, Jan Goldsmith,  
Tanya Tomlinson, Joan Dawson, William Gersten,  
Lori Thacker

**Employee organizations:**

Local 145 International Association of Firefighters AFL-CIO,  
San Diego Police Officers Association, Municipal Employees  
Association, AFSCME Local 127 AFL-CIO and Deputy City  
Attorneys Association

DCA Assigned: J. Dawson

Report: Nothing to report (NOTE: This Item was continued to Tuesday, March 24, 2009,  
at 11:25 a.m.)

**CLOSED SESSION ITEM FOR TUESDAY, MARCH 24, 2009, AT 11:25 a.m.:**

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

CS-1 Agency negotiators: William Kay, Timothy Davis, Scott Chadwick,  
Judy von Kalinowski, Thom Harpole, Kim Nguyen,  
Woo-Jin Shim, Lourdes Silva, Valerie VanDeweghe,  
Javier Mainar, Brian Fennessy, David Ramirez,  
Robert Kanaski, Paul Cooper, Jan Goldsmith.  
Tanya Tomlinson, Joan Dawson, William Gersten,  
Lori Thacker

Employee organizations: Local 145 International Association of Firefighters AFL-CIO,  
San Diego Police Officers Association, Municipal Employees  
Association, AFSCME Local 127 AFL-CIO and Deputy City  
Attorneys Association

DCA Assigned: J. Dawson

Report: Nothing to report (NOTE: This item was continued from 10:00 a.m. on Tuesday,  
March 24, 2009 Closed Session.)

REPORTED BY:

  
Mary Jo Lanzafame  
Assistant City Attorney